

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS)	
)	
Petition for a Certificate of Public Convenience and)	
Necessity, pursuant to Section 8-406.1 of the Illinois)	
Public Utilities Act, and an Order pursuant to Section 8-)	Docket No. 12-0598
503 of the Public Utilities Act, to Construct, Operate and)	
Maintain a New High Voltage Electric Service Line and)	
Related Facilities in the Counties of Adams, Brown,)	
Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton,)	
Macon, Montgomery, Morgan, Moultrie, Pike,)	
Sangamon, Schuyler, Scott and Shelby, Illinois.)	

**AMEREN TRANSMISSION COMPANY OF ILLINOIS’
REPLY TO CITY OF CHAMPAIGN’S REPLY TO AMEREN TRANSMISSION
COMPANY OF ILLINOIS’ RESPONSE TO ALJS’ DATA REQUEST ALJ 1.01**

Pursuant to the December 20, 2012 Notice of Administrative Law Judges’ (ALJs) Ruling, Ameren Transmission Company of Illinois (ATXI) submits this Reply to the City of Champaign’s (Champaign) “Reply” to ATXI’s Response to the December 12, 2012 ALJs’ Ruling (Ruling). Champaign’s request to “sever” or “bifurcate” the Sidney-Rising portion of the Illinois Rivers Project is both procedurally and substantively defective. To the extent the Illinois Commerce Commission (Commission) treats Champaign’s “Reply” as a motion, the motion should be denied.

Initially, it is worth noting, in the ordinary course discovery requests and responses are *not* supposed to be filed with the Commission. Section 200.335 of the Commission’s Rules of Practice and Procedure provides “[e]ach data request propounded by a party or Staff shall be served on all other active parties and the Staff in that docket. Responses to data requests shall only be served on those parties or Staff that have requested such responses. Data requests and responses thereto shall not be served on the Hearing Examiner or filed with the Chief Clerk.” 83 Ill. Adm. Code § 200.335(c). Section 200.30 allows the ALJs or Commission to waive or

modify procedural rules in certain circumstances, and Section 200.310 allows the ALJs to request prehearing submission of information, as the ALJs did here by directing ATXI to “file” its Response to the Ruling by December 19, 2012. See 83 Ill. Adm. Code §§ 200.30, 200.310.

Although ATXI filed its Response on e-Docket, it is not part of the evidentiary record. Section 200.70 lists material that constitutes the record of a proceeding. 83 Ill. Adm. Code § 200.70. Discovery requests and responses cannot be “evidence received” in a proceeding (and thus part of the record) unless the requests and responses are properly offered and formally received into evidence. This has not happened with ATXI’s Response to the ALJs’ December 12, 2012 Ruling.

Despite the fact that neither the Ruling’s information requests nor ATXI’s Response constitute “evidence” at this stage of the proceeding, Champaign wrongly contends that *the mere fact that the ALJs asked ATXI whether it would consider withdrawing the Sidney-Rising portion of the Project* somehow equates to a “*sua sponte* motion to dismiss.” (Champaign Request for Leave to File a Resp., p. 1 (filed Dec. 20, 2012).) Merely inquiring into whether ATXI would consider withdrawing a portion of the Illinois Rivers Project is not tantamount to a motion to dismiss, issued *sua sponte* or otherwise, nor is it akin to an order *requiring* ATXI to do so.

More importantly, notwithstanding the merits (or lack thereof) of Champaign’s “Reply,” a proper motion is not pending before the Commission that may be acted on to sever the Sidney-Rising portion of the Project. The Commission has a specific rule governing motions—Section 200.190. 83 Ill. Adm. Code § 200.190. A “reply” to a data request response—which in and of itself is a procedural odd duck, not provided for in any Commission rule—is not a substitute for a proper motion under Section 200.190. Among other requirements, “[m]otions based on matter which does not appear of record shall be supported by affidavit.” 83 Ill. Adm. Code §

200.190(c). As mentioned, an evidentiary record does not yet exist in this docket, and the “facts” alleged in Champaign’s “Reply” are not supported by affidavit. To the extent the Commission excuses these deficiencies and entertains Champaign’s “Reply” as a motion, the Commission must afford ATXI fourteen days to respond, as provided in Section 200.190(e). 83 Ill. Adm. Code § 200.190(e).

Because Champaign’s “Reply” is not a proper motion, ATXI will respond to the substantive arguments therein only briefly, and without waiving its right to fully respond in fourteen days should the “Reply” be converted to a motion.

Finally, Champaign does not contest the legal sufficiency of ATXI’s filing. As required by Section 8-406.1(a) of the Public Utilities Act (Act), 220 ILCS 5/8-406.1(a), ATXI has provided the required information and met the public notice, public meeting, and other filing requirements. 220 ILCS 5/8-406.1(a)(1)-(3). That Champaign has a different preference for the manner by which ATXI submitted its application for the Project, is not grounds for severing the Sidney-Rising portion.

Section 8-406.1 Does Not Limit the Commission’s Discretion to Consider Only a “Single Line” in an Expedited CPCN Proceeding.

Champaign argues that the statute authorizing this expedited proceeding, Section 8-406.1 of the Act, 220 ILCS 5/8-406.1, “does not allow a utility to combine multiple *lines* into one ‘Project’” (Champaign Reply, p. 3 (filed Dec. 24, 2012).) But despite its ensuing discussion of legislative intent, Champaign cites no cases holding that the expedited Certificate of Public Convenience and Necessity (CPCN) process is available only to transmission projects consisting of a “single line.” Moreover, Champaign offers no recognized definition of what constitutes a transmission “line.” While it is true that Section 8-406.1 uses the word “line,” Champaign conveniently ignores another important word in the statute: “*any*.” Thus, expedited

consideration is available to projects involving “*any* new high voltage electric service line.” 220 ILCS 8-406.1 (emphasis added). “Any” is synonymous with “all.” See Merriam-Webster.com, available at <http://www.merriam-webster.com/dictionary/any> (last visited Dec. 26, 2012) (defining “any” as “one, some, or all indiscriminately of whatever quantity”). Given the Commission may consider “any” transmission line referenced in ATXI’s Petition, express statutory authority exists to consider the Sidney-Rising portion of the Project, as well as “any” other line included in the Project.

Any doubts about the Commission’s authority to consider “multiple, unconnected transmission lines” (Champaign Reply, p. 4.) in a single expedited CPCN docket under Section 8-406.1 are laid to rest by the Commission’s recent order in Docket 12-0080. There, the Commission granted a CPCN for a project described as follows:

The Transmission Line for which authority is sought consists of three segments: *two new non-contiguous transmission-line segments totaling approximately 8.5 miles in length connecting to an existing 1.5 mile 138 kV line segment currently classified as a distribution line* in Champaign County, Illinois. The Transmission Line will connect the Bondville Route 10 and Southwest Campus substations south and west of Champaign, Illinois. The Project also includes substation modifications at the Bondville, Southwest Campus and Windsor substations. Although AIC will only be constructing the two New Segments, AIC seeks a Certificate for the entire Transmission Line because the Existing Distribution Line is being reclassified as transmission.

Ameren Ill. Co., Docket 12-0080, Order, p. 21 (Aug. 15, 2012) (emphasis added). Given this recent order, Champaign’s interpretation of Section 8-406.1 is simply wrong as a matter of law.

Champaign Has Failed to Provide Any Substantive Basis for Separation.

Legal and procedural shortcomings aside, Champaign also fails to address any of the explanations provided by ATXI as to why the Sidney-Rising portion of the Illinois Rivers Project must not be considered on a separate basis. Champaign fails to address the fact that Sidney-Rising is an integral part of a portfolio of projects approved by MISO. Champaign fails to

address the need to have Sidney-Rising in service in 2016, or the potential adverse reliability consequences if it is not. In fact, Champaign fails to address the reliability impact of a delay at all. Champaign also fails to address the concern that considering Sidney-Rising in a separate docket would cause landowners and other interveners to experience confusion, uncertainty and added cost.

The Physical Separation of Electric System Components Is Not Relevant in an Interconnected Electric System.

Champaign's basis for arguing that Sidney-Rising should be considered separately is that the Sidney-Rising portion of the transmission line route is "physically" separate from the rest of the Illinois Rivers Project. (Champaign Reply, p. 2.) In taking this position, Champaign demonstrates its ignorance of a fundamental principle of an integrated, regional electric grid: what matters is not whether Sidney-Rising is physically connected to the other components of the Illinois Rivers Project, but rather whether it is *electrically* connected. Physical separation does not mean electrical isolation. The transmission system is highly coordinated and integrated, and system events can generate impacts felt a considerable physical distance from the actual problem. The transmission system is planned in an integrated manner, and extensive analysis is performed to identify potential contingency events and develop plans to mitigate the impacts of the contingency. (See ATXI Ex. 2.0, pp. 4-11.) This can be seen in Docket 12-0080, which Champaign cites, in which the question of the need for two *non-contiguous* transmission line segments was determined by looking at the impact of both lines on the integrated electric system in the area as a whole, not by evaluating the two lines separately because they did not physically connect. Ameren Ill. Co., Docket 12-0080, Order, pp. 8-10, 22. An example can also be found in ATXI Exhibits 2.10 through 2.18, which illustrate that contingency events can cause system

overloads and low voltage problems a considerable distance from the actual contingency location.

Moreover, as ATXI explained in its Response to the Ruling (ATXI Resp., pp. 1-3), Sidney-Rising is an integral part of the MISO Multi Value Project (MVP) portfolio. The MISO MVP analysis was performed at the portfolio level, and each MVP project component, including Sidney-Rising, is necessary for the full and complete set of benefits as described by MISO in its Multi Value Project Portfolio Results and Analysis Report. (See also MISO Ex. 1.0, pp. 17-32; ATXI Ex. 2.0, pp. 12-20.) As also explained by ATXI witness Dennis Kramer (ATXI Ex. 2.0, pp. 26-27), the reliability benefits of the Project must be viewed in the context of the Project as a whole, not as discrete, severable benefits for limited, defined geographic areas. In other words, the reliability benefits of the Project flow from the construction of the entire Project, including Sidney-Rising, and not of any individual component by itself.

Further, as explained in ATXI's Response to the Ruling (ATXI Resp., pp. 3-4) and as shown on ATXI Exhibit 2.4, a preferred construction sequence for the Illinois Rivers Project has been determined. This preferred sequence has Sidney-Rising in-service in 2016, the first year of the overall Project schedule. (ATXI Ex. 2.4.) Thus, any delay to Sidney-Rising has the potential to impact the construction sequence of the Illinois Rivers Project as a whole. In short, despite the physical separation of the Sidney-Rising line from the rest of the Illinois Rivers Project, all portions of the Illinois Rivers Project are interdependent.

Champaign argues (Champaign Reply, p. 2) that considering Sidney-Rising in a separate docket would not delay completion of the entire Illinois Rivers Project. In so arguing, Champaign appears to concede that delay is possible for the Sidney-Rising portion if it is separated, but ignores the question of the effect of such delay on reliability and the realization of

the economic benefits of the Project. As ATXI explained in its Response to the Ruling (ATXI Resp., p. 4), separate consideration of the Sidney-Rising portion of the line would cause delays that could put the in-service date for Sidney-Rising at risk, with potential adverse consequences on reliability in the Sidney-Rising (i.e., Champaign, Illinois) area. Specifically, “if the 2016 segments of the Illinois Rivers Project are completed on schedule but the Sidney-Rising line is not in service in 2016, there will be overloads on some 345 and 138 kV system equipment for certain contingency events.” (Id.)

That a Sidney-Rising Line Was Considered in the 1970s Is Irrelevant.

Champaign also alleges that Sidney-Rising has been in planning since the 1970s. This is irrelevant. The need for Sidney-Rising has been determined through the MVP portfolio development process, based on research and analysis that began as early as 2003.¹ ATXI is proposing to build the Sidney-Rising portion in 2016. That a similar line was considered in the 1970s has no bearing on its current need—obviously the construction of the line was not pursued in the 1970s. Instead, the previous consideration is indicative of an ongoing planning process. As MISO describes throughout its Multi Value Project Portfolio Results and Analysis Report, there was a lengthy, multi-year process used to identify the optimum set of transmission projects to include in the MVP Portfolio. The fact that Sidney-Rising was discussed during the development of previous MISO MTEPs and in previous projects that were constructed by

¹ On pages 13 and 14 of the MISO Multi Value Project Portfolio Results and Analysis Report, MISO specifically mentions the Sidney-Rising line as being evaluated in MTEP03: “More specifically, MTEP03 included a high wind development scenario, which included approximately 8,600 to 10,000 MW of new wind development. This scenario was used to evaluate several transmission scenarios on a conceptual level, including a set of high voltage lines in Iowa, running from Lakefield to Adams in southern Minnesota, then looping back to tap the line from Raun to Lakefield line in Iowa. This line was studied in subsequent MTEP cycles, and it eventually led to the identification and incorporation of several Iowa lines into the MVP portfolio. MTEP03 also identified a potential upgrade of the Sidney-Rising line, as a conceptual transmission project.”

Ameren Services in Illinois is completely consistent with standard transmission planning practices.

That Conditions for Sidney-Rising Were Imposed in Docket 12-0080 also Is Irrelevant.

Champaign also argues that the Commission has made findings related to the route of the Sidney-Rising line in Docket 12-0080. But this has no bearing on whether Sidney-Rising should be considered separately. It is true the Commission ordered that Ameren Illinois “utilize dual circuit structures for the portion of proposed [138 kV Bondville-SW Campus] line segment that extends approximately three miles south of the Bondville Route 10 substation” if the Sidney to Rising 345 kV line follows the same route. Ameren Ill. Co., Docket 12-0080, Order, pp. 22-23. As ATXI has explained, if the Commission approves the Primary Route for this Project, ATXI would share with Ameren Illinois the double circuit section of the transmission line that is common to the Bondville-SW Campus 138 kV line. (ATXI Exs. 5.0, pp. 26-27; 7.0, p. 8.) The Commission’s directive was clear in Docket 12-0080, and ATXI’s steps to comply with that directive in this case likewise are clear. That there are some factual circumstances related to the Sidney-Rising portion particular to that portion of the route is of no import; the route of the Illinois Rivers Project encounters particular factual circumstances throughout its length: in some places it crosses rivers, in some places railroads, in others farmland, in others more developed areas. The purpose of ATXI’s routing process, and this proceeding, is to address such concerns as needed.

Contrary to what Champaign Claims, Severing Sidney-Rising Would Result in Inefficiency, Confusion and Delay.

Champaign does not demonstrate why it would be beneficial to consider Sidney-Rising in a separate docket, other than a vague assertion that “[j]udicial efficiency would be served.” (Champaign Reply, p. 3.) How “judicial efficiency would be served” is not explained. And

Champaign simply fails to address the benefits of continuing to consider Sidney-Rising as part of the Illinois Rivers Project as a whole, including the integrated nature of the MISO MVP portfolio, the need for Sidney-Rising to be in service in 2016, the reliability benefits delivered by Sidney-Rising as part of the Illinois Rivers Project, and the avoidance of confusion to the public and added cost to intervenors, all of which are explained in ATXI's Response to the Ruling. (See ATXI Resp., p. 4.)

WHEREFORE, Ameren Transmission Company of Illinois respectfully requests that the Illinois Commerce Commission deny Champaign's request to sever the Sidney to Rising portion of the proposed Project from this Docket.

Dated: December 26, 2012

Respectfully submitted,

Ameren Transmission Company of Illinois

/s/ Albert D. Sturtevant

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CERTIFICATE OF SERVICE

I, Albert D. Sturtevant, an attorney, certify that on December 26, 2012, I caused a copy of the foregoing *Ameren Transmission Company of Illinois' Reply to City of Champaign's Reply to Ameren Transmission Company of Illinois' Response to ALJs Data Request 1.01* to be served by electronic mail to the individuals on the Commission's Service List for Docket 12-0598.

/s/ Albert D. Sturtevant

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